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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,	)	2:09-CR-078-JCM-(RJJ)
12 Plaintiff,	)	
13 vs.	)	GOVERNMENT'S RESPONSE TO
14 SHAWN TALBOT RICE,	)	DEFENDANT'S VARIOUS
15 Defendant.	)	MOTIONS
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16  
17 Certification: This response is timely filed pursuant to docket entry # 73.

18 COMES NOW the United States of America, by and through DANIEL G.  
19 BOGDEN, United States Attorney, and J. Gregory Damm, Assistant United States  
20 Attorney, and files its GOVERNMENT'S RESPONSE TO DEFENDANT'S  
21 VARIOUS MOTIONS. Specifically the government responds to the following motions  
22 filed by defendant, Shawn Talbot Rice:

23 CR # 77 Mandatory Judicial Notice of Status Relation of Simpe Corporation Sole  
24 to its Titular Head with Points and Authorities;  
25 CR # 78 Affidavit of Arthur "Mickey" O'Brien;  
26 CR # 79 Notice of Misrepresentation of Material Facts by United States Attorney  
re Bill of Particulars for Forfeiture of Property and Attempted Theft of

1 Property - Mandatory Judicial Notice;  
2 CR # 81 Compulsory Counter Claim and Invocation of Admiralty / Maritime  
3 Jurisdiction Side of the Court  
4 In Admiralty  
5 Libel of Review, Answer of Shawn Talbot Rice, and Cross Complaint  
6 (FRCivP 9(h), FRCivP Supp B(3)(b), E(8));  
7 CR # 83 Petition to Supersede and Retire All Previous Bonds and Release Real  
8 Party in Interest / Third Party Intervener From All Liability and Replevin  
9 and Mandatory Judicial Notice of 28 USC 2041;  
10 CR # 87 This is Private Remedy Notice of Affidavit of Admissions in Commerce  
11 by Negative Averment  
12 Administrative Notice; Beneficiary Under Contract Law of Power of  
13 Attorney of Limited Fiduciary Trusteeship Duty to the Public Trusts of  
14 Office in Case # 2:09-CR-078  
15 Original Issue and Of Defendants Acceptance of the Claim or Case No.  
16 2:09-CR-078;  
17 CR # 89 Lodgment Re Admission Re Lack of LOMAR;  
18 CR # 90 Notice and Affidavit of Private Federal Union Resignation;  
19 CR # 91 Lodgement of Foreign Entry of Default Regarding Status;  
20 CR # 92 Notice to DTC Appearance, Appointments and Private Remedy Terms  
21 and Conditions of Agreement by Tacit Procuration Reasons for Settling  
22 Case Penal Sum Rather than Arguing Case Status of Defendant Real Party  
23 in Interest Points and Authorities Regarding Status No Injured Party  
24 Bonds and Checks Equity Claim Administrative Request Recommend  
25 Judge Seal Case Sua Sponte Recommend Judge Dismiss this Case Sua  
26 Sponte IRS Forms 1099OID, 1099-A and 1096;  
CR # 93 Motion for Modification of Alleged Pretrial Services Agreement and

1 Motion for Telephonic Oral Discussion on the Issue:

2 CR # 94 Motion for Audit for Forfeiture in re Accounting, Account Stated, Unjust  
3 Enrichment and Specific Performance:

4 CR # 98 Affidavit of Request for Issuance or Writ of Execution;

5 CR # 100 Amended Counterclaim Parties List;

6 CR # 104 November 9, 2009, letter to Timothy F. Geithner, Trustee, United States  
7 Secretary of the Treasury;

8 CR # 106 Affidavit of Original Issue and of Counter-Plaintiff / Claimant's Shawn  
9 Rice Acceptance of the Claim, With Verified Notice of the District  
10 Court's Abandonment Thereof; and,

11 CR # 107 Posting of Silver Bond for any Substance Damage.

12 The undersigned, counsel for the United States, has made a conscientious review  
13 of the various motions listed above filed by defendant Shawn Talbot Rice. To the  
14 extent that they are understood by the government, they appear to relate to issues  
15 unrelated to the criminal case at hand, 2:09-CR-078-JCM-(RJJ). Defendant Rice has  
16 provided this Court with no relevant authority to support any of his motions. The  
17 failure to file points and authorities in support of an issue constitutes consent that a  
18 motion be denied as to that issue. See Local Rule (LR) 7-2(d). In this regard, the  
19 government relies upon its previous response filed on 11/17/2009, CR # 101.

20 This case represents a criminal prosecution against defendants Samuel Davis and  
21 Shawn Talbot Rice. See CR # 1, Indictment. This is not an admiralty case nor is it a  
22 civil case. It is a criminal case for which this Court has jurisdiction. See Title 18,  
23 United States Code, § 3231. The government also relies upon its previous response to  
24 defendant Rice's Subpoena Duces Tecum or in the alternative Petition To: Dismiss with  
25 Prejudice this Matter (CR # 72, 8/14/2009). See CR # 74, Government's Opposition  
26 to Defendant's Motion to Dismiss (CR # 74) filed 8/28/2009.

CONCLUSION

WHEREFORE, based upon the foregoing, the United State respectfully requests that this Court deny defendant Shawn Talbot Rice's motions in their entirety.

DATED this 7th day of December, 2009.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/ J. Gregory Damm  
J. GREGORY DAMM  
Assistant United States Attorney

Certificate Of Service

I, J. Gregory Damm, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S RESPONSE TO DEFENDANT'S VARIOUS MOTIONS, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said GOVERNMENT'S RESPONSE TO DEFENDANT'S VARIOUS MOTIONS and mailing a copy postage prepaid to Shawn Talbot Rice, P.O. Box 700, #81, Ash Fork, Arizona 86320.

Dated: December 7, 2009

/s/ J. Gregory Damm  
Assistant United States Attorney  
District of Nevada